

Amendment
U.S. Application No. 09/899,702
Page 8

e) Z' is $>\text{CH}_2$, $>\text{C}=\text{O}$, $>\text{C}(\text{H})-\text{OH}$, $>\text{C}=\text{N}-\text{OH}$, $>\text{C}=\text{N}-\text{OR}_5$, $>\text{C}(\text{H})-\text{C}\equiv\text{N}$,
or $>\text{C}(\text{H})-\text{NR}_5\text{R}_5$, wherein each R_5 is independently hydrogen, an alkyl or branched
alkyl with up to 10 carbons or aralkyl.

REMARKS

Applicants' representatives thank Examiner Qazi for the telephonic inquiry on September 23, 2002 in the above-referenced application, and have entered the above amendments in reply thereto.

Claims 1-4 and 6-30 are currently pending and Claims 1-4, 6-14, and 29-30 are under examination. As a result of the previous Restriction Requirement, Claims 15-28 are withdrawn from consideration as a non-elected invention, and Claims 5 and 31 were cancelled in the June 13, 2002 Amendment and Response. By this Amendment, all claims currently under examination, namely Claims 1-4, 6-14, and 29-30, are amended. These amendments find support in the specification and claims as filed, therefore no new matter is added to this application.

Paragraph d) of each independent Claim 1, 29 and 30 has been amended to define the 17-position ring substituent $>\text{C}-\text{R}_g$ as $>\text{C}(\text{H})-\text{OH}$ only. This definition of $>\text{C}-\text{R}_g$ in the independent claims renders the claim feature " $>\text{C}-\text{R}_g$ is $>\text{C}(\text{H})-\beta\text{-OH}$ " redundant in the dependent claims. Accordingly, this definition of $>\text{C}-\text{R}_g$ is removed from Claims 2-4 and 6-14.

Amendment
U.S. Application No. 09/899,702
Page 9

By restricting $>C-R_g$ to be $>C(H)-OH$, and because position 16 (R_h) is $>CH_2$, all the claims of the present application are distinguished from the claims as amended today in Applications No. 09/641,327 (our file 05213-0730), 09/779,331 (our file 05213-0731), and 09/939,208 (our file 05213-0852). Accordingly, Applicants respectfully submit that Claims 1-4, 6-14, and 29-30 as amended are patentably distinct and hence allowable. Such action is respectfully requested.

Applicants further note that the present Application and Applications Number 09/641,327, 09/779,331, and 09/939,208 were commonly owned and/or subject to an obligation to assign to the same entity at the time the inventions were made (35 U.S.C. § 103(c)), thereby precluding an interference proceeding.

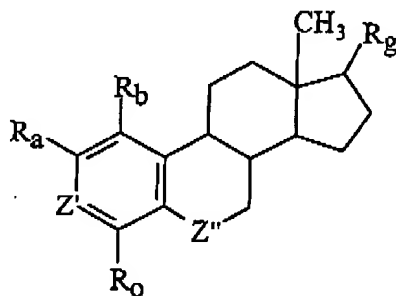
Amendment
U.S. Application No. 09/899,702
Page 10

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Amendments in the Claims

In accordance with 37 C.F.R. § 1.121(c), the following version of the rewritten claim shows all the changes made by the foregoing amendment relative to the previous version of that claim.

1. (Twice Amended) A compound of the general formula:



wherein:

- a) R_b and R_o are independently -H, -Cl, -Br, -I, -F, -CN, lower alkyl, -OH, -CH₂-OH, -NH₂; or N(R_6)(R_7), wherein R_6 and R_7 are independently hydrogen or an alkyl or branched alkyl with up to 6 carbons;
- b) R_a is -N₃, -C≡N, -C≡C-R, -CH=CH-R, -R-CH=CH₂, -C≡CH, -O-R, -R-R₁, or -O-R-R₁ where R is a straight or branched alkyl with up to 10 carbons or aralkyl, and R_1 is -OH, -NH₂, -Cl, -Br, -I, -F or CF₃;
- c) Z' is >CH, >COH, or >C-R₂-OH, where R_2 is an alkyl or branched alkyl with up to 10 carbons or aralkyl;

Amendment
 U.S. Application No. 09/899,702
 Page 11

d) $>\text{C-R}_g$ is [$>\text{CH}_2$,] $>\text{C(H)-OH}$ [, $>\text{C=O}$, $>\text{C=N-OH}$, $>\text{C(R}_3\text{)OH}$, $>\text{C=N-OR}_3$, $>\text{C(H)-NH}_2$, $>\text{C(H)-NHR}_3$, $>\text{C(H)-NR}_3\text{R}_4$, or $>\text{C(H)-C(O)-R}_3$, where each R_3 and R_4 is independently an alkyl or branched alkyl with up to 10 carbons or aralkyl];
 and

e) Z'' is $>\text{CH}_2$, $>\text{C=O}$, $>\text{C(H)-OH}$, $>\text{C=N-OR}_5$, $>\text{C(H)-C}\equiv\text{N}$, or $>\text{C(H)-NR}_5\text{R}_5$, wherein each R_5 is independently hydrogen, an alkyl or branched alkyl with up to 10 carbons or aralkyl;

with the proviso that if R_b is H, R_o is H, Z' is $>\text{COH}$, [$>\text{C-R}_g$ is $>\text{C(H)-OH}$,] and Z'' is $>\text{CH}_2$, then R_a is neither $-\text{OCH}_3$ nor $-\text{OCH}_2\text{CH}_3$.

2. (Amended) The compound of Claim 1, wherein :

R_b and R_o are H,

R_a is $-\text{C}\equiv\text{C}-\text{CH}_3$,

Z' is $>\text{C-OH}$,

[$>\text{C-R}_g$ is $>\text{C(H)-}\beta\text{-OH}$,] and

Z'' is $>\text{CH}_2$.

3. (Amended) The compound of Claim 1, wherein :

R_b and R_o are H,

R_a is OCH_2CF_3

Z' is $>\text{C-OH}$,

[$>\text{C-R}_g$ is $>\text{C(H)-}\beta\text{-OH}$,] and

Amendment
U.S. Application No. 09/899,702
Page 12

Z'' is $>C=O$.

4. (Amended) The compound of Claim 1, wherein :

R_b and R_o are H,

R_a is OCH_2CF_3

Z' is $>C-OH$,

$[>C-R_g$ is $>C(H)-\beta-OH,$] and

Z'' is $>C=NOH$.

6. (Amended) The compound of Claim 1, wherein :

R_b and R_o are H,

R_a is OCH_2CF_3

Z' is $>C-OH$,

$[>C-R_g$ is $>C(H)-\beta-OH,$] and

Z'' is $>CH_2$.

7. (Amended) The compound of Claim 1, wherein :

R_b and R_o are H,

R_a is $CH=CH_2$

Z' is $>C-OH$,

$[>C-R_g$ is $>C(H)-\beta-OH,$] and

Z'' is $>CH_2$.

Amendment
U.S. Application No. 09/899,702
Page 13

8. (Amended) The compound of Claim 1, wherein :
- R_b and R_o are H,
- R_a is $E\text{-CH=CHCH}_3$
- Z' is $>\text{C-OH}$,
- $[>\text{C-R}_g \text{ is } >\text{C(H)-}\beta\text{-OH,}]$ and
- Z'' is $>\text{CH}_2$.
9. (Amended) The compound of Claim 1, wherein :
- R_b and R_o are H,
- R_a is NHC_2H_5
- Z' is $>\text{C-OH}$,
- $[>\text{C-R}_g \text{ is } >\text{C(H)-}\beta\text{-OH,}]$ and
- Z'' is $>\text{CH}_2$.
10. (Amended) The compound of Claim 1, wherein :
- R_b and R_o are H,
- R_a is NHCOCH_3
- Z' is $>\text{C-OH}$,
- $[>\text{C-R}_g \text{ is } >\text{C(H)-}\beta\text{-OH,}]$ and
- Z'' is $>\text{CH}_2$.

Amendment
U.S. Application No. 09/899,702
Page 14

11. (Amended) The compound of Claim 1, wherein :
- R_b and R_o are H,
- R_a is OC_2H_5
- Z' is $>C-OH$,
- $[>C-R_g \text{ is } >C(H)-\beta-OH,]$ and
- Z'' is $>C=O$.
12. (Amended) The compound of Claim 1, wherein :
- R_b and R_o are H,
- R_a is OC_2H_5
- Z' is $>C-OH$,
- $[>C-R_g \text{ is } >C(H)-\beta-OH,]$ and
- Z'' is $>OH$.
13. (Amended) The compound of Claim 1, wherein :
- R_b and R_o are H,
- R_a is OC_2H_5
- Z' is $>C-OH$,
- $[>C-R_g \text{ is } >C(H)-\beta-OH,]$ and
- Z'' is $>C=NOH$.

Amendment
U.S. Application No. 09/899,702
Page 15

14. (Amended) The compound of Claim 1, wherein :

R_b and R_o are H,

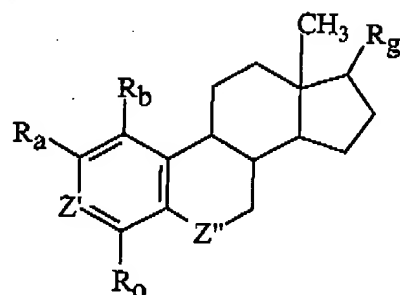
R_a is OC_2H_5

Z' is $>C-OH$,

$[>C-R_g$ is $>C(H)-\beta-OH,$] and

Z'' is $>C=NOCH_3$.

29. (Amended) A compound of the general formula:



wherein:

a) R_b and R_o are independently -H, -Cl, -Br, -I, -F, -CN, lower alkyl, -OH, -CH₂-OH, -NH₂; or N(R_6)(R_7), wherein R_6 and R_7 are independently hydrogen or an alkyl or branched alkyl with up to 6 carbons;

b) R_a is $NHCOCH_3$;

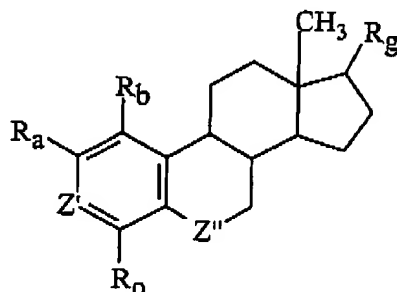
c) Z' is $>CH$, $>COH$, or $>C-R_2-OH$, where R_2 is an alkyl or branched alkyl with up to 10 carbons or aralkyl;

Amendment
U.S. Application No. 09/899,702
Page 16

d) $>\text{C}-\text{R}_g$ is [$>\text{CH}_2$,] $>\text{C}(\text{H})-\text{OH}$ [, $>\text{C}=\text{O}$, $>\text{C}=\text{N}-\text{OH}$, $>\text{C}(\text{R}_3)\text{OH}$, $>\text{C}=\text{N}-\text{OR}_3$, $>\text{C}(\text{H})-\text{NH}_2$, $>\text{C}(\text{H})-\text{NHR}_3$, $>\text{C}(\text{H})-\text{NR}_3\text{R}_4$, or $>\text{C}(\text{H})-\text{C}(\text{O})-\text{R}_3$, where each R_3 and R_4 is independently an alkyl or branched alkyl with up to 10 carbons or aralkyl]; and

e) Z'' is $>\text{CH}_2$, $>\text{C}=\text{O}$, $>\text{C}(\text{H})-\text{OH}$, $>\text{C}=\text{N}-\text{OH}$, $>\text{C}=\text{N}-\text{OR}_5$, $>\text{C}(\text{H})-\text{C}\equiv\text{N}$, or $>\text{C}(\text{H})-\text{NR}_5\text{R}_5$, wherein each R_5 is independently hydrogen, an alkyl or branched alkyl with up to 10 carbons or aralkyl.

30. (Amended) A compound of the general formula:



wherein:

a) R_b and R_o are independently $-\text{H}$, $-\text{Cl}$, $-\text{Br}$, $-\text{I}$, $-\text{F}$, $-\text{CN}$, lower alkyl, $-\text{OH}$, $-\text{CH}_2-\text{OH}$, $-\text{NH}_2$; or $\text{N}(\text{R}_6)(\text{R}_7)$, wherein R_6 and R_7 are independently hydrogen or an alkyl or branched alkyl with up to 6 carbons;

b) R_a is $-\text{O}-\text{R}-\text{R}_1$ where R is a straight or branched alkyl with up to 10 carbons or aralkyl, and R_1 is $-\text{OH}$, $-\text{NH}_2$, $-\text{Cl}$, $-\text{Br}$, $-\text{I}$, $-\text{F}$ or CF_3 ;

Amendment
U.S. Application No. 09/899,702
Page 18

CONCLUSION

In view of the above amendments and remarks, Applicants believe that the claims are now in condition for allowance. Such action is respectfully requested. If there are informalities remaining in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2413 is respectfully solicited.

Respectfully submitted,

Suzanne Scavello Shope

By: Suzanne Scavello Shope
Reg. No. 37,933

KILPATRICK STOCKTON LLP
1100 Peachtree Street, NE
Suite 2800
Atlanta, GA 30309-4530
Telephone 404.815.6500
Docket No. 43170-260981 (05213-0910)

Amendment
U.S. Application No. 09/899,702
Page 17

c) Z' is $>CH$, $>COH$, or $>C-R_2-OH$, where R_2 is an alkyl or branched alkyl with up to 10 carbons or aralkyl;

d) $>C-R_g$ is $[>CH_2.]>C(H)-OH$, $>C=O$, $>C=N-OH$, $>C(R_3)OH$, $>C=N-OR_3$, $>C(H)-NH_2$, $>C(H)-NHR_3$, $>C(H)-NR_3R_4$, or $>C(H)-C(O)-R_3$, where each R_3 and R_4 is independently an alkyl or branched alkyl with up to 10 carbons or aralkyl; and

e) Z'' is $>CH_2$, $>C=O$, $>C(H)-OH$, $>C=N-OH$, $>C=N-OR_5$, $>C(H)-C\equiv N$, or $>C(H)-NR_5R_5$, wherein each R_5 is independently hydrogen, an alkyl or branched alkyl with up to 10 carbons or aralkyl.